

tules and purplish discolorations. \* \* \* I tried long and strict diets. I even went to one specialist who took some of my pus and made some sort of culture and injected it via the hypodermic needle. I believe he called it acne vaccine.' \* \* \* 'The first box I used began a marvelous improvement, the pimples became smaller and fewer, the discolorations faded and disappeared and now I can look back on those awful years \* \* \* for I truly suffered as I believe every one with acne does.'"

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23269. Misbranding of Diana Sosborszesz. U. S. v. 19 Bottles and 34 Bottles of Diana Sosborszesz. Default decree of condemnation and destruction. (F. & D. no. 33102. Sample nos. 65647-A, 65648-A.)**

This case involved shipments of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims. The product in one shipment contained less alcohol than declared on the label.

On July 24, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 large bottles and 34 small bottles of Diana Sosborszesz at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about December 9, 1933, and March 13, 1934, by the Diana Manufacturing Co., from Masontown, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Diana Sosborszesz Alcohol 48% (Franzbrandwein) \* \* \* Prepared for Diana Mfg. Co. Uniontown, Pa."

Analyses showed that the product in the large bottles consisted essentially of alcohol (39.7 percent), acetone, ethyl acetate, volatile oils including peppermint oil (7.8 percent), boric acid, zinc phenolsulphonate, and water; and that the product in the small bottles consisted essentially of alcohol (48.8 percent), acetone, ethyl acetate, volatile oils including peppermint oil (1.2 percent), acetic acid, sodium chloride, and water.

The libel charged that the article was misbranded in that the following statements on the labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (English) "Recommended for \* \* \* Rheumatism, Lumbago, Etc."; (foreign language) "The best rub medicine for \* \* \* gout, rheumatism condition and to all outside troubles." Misbranding was further alleged in that the statement "Alcohol 48%", borne on the label of the large size, was false and misleading since the product in the large bottles contained less than 48 percent of alcohol.

On September 26, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23270. Adulteration and misbranding of sweet spirits of niter. U. S. v. 15 Dozen Packages of Sweet Spirits Niter. Default decree of condemnation and destruction. (F. & D. no. 33113. Sample no. 62287-A.)**

This case involved a shipment of sweet spirits of niter, a sample of which was found to contain 1.91 percent of ethyl nitrite, which was materially less than declared on the label and less than the minimum required by the United States Pharmacopoeia for spirit of niter.

On July 23, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of a libel praying seizure and condemnation of 15 dozen packages of sweet spirits of niter at Hagerstown, Md., alleging that the article had been shipped in interstate commerce, on or about March 14, 1934, by the C. F. Sauer Co., from Richmond, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Spirits Nitre \* \* \* Ethyl Nitrite 4%."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the label. Adulteration was alleged for the further reason that the strength of the article fell below the professed standard and quality under which it was sold, namely, (bottle label and carton) "Ethyl Nitrite 4%."

Misbranding was alleged for the reason that the statements on the label, "Sweet Spirits Nitre" and "Ethyl Nitrite 4%", were false and misleading.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23271. Misbranding of Dr. Stoll's Diet-Aid. U. S. v. 3 Dozen Packages of Dr. Stoll's Diet-Aid. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33114. Sample no. 4251-B.)**

This case involved a product labeled to convey the impression that it could be used as a substitute for certain meals, and that such use would cause loss of weight. Examination showed that it consisted of ordinary food constituents, and that any loss of weight would be the result of the reduction in the amount of the food consumed, recommended in the labeling. The labels also contained unwarranted curative and therapeutic claims.

On July 25, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 dozen packages of Dr. Stoll's Diet-Aid at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, by Diet-Aid Sales Co., from Chicago, Ill., in the month of November 1933, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of corn starch, sugar, cacao powder, and caramel.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling were false and misleading, since the effect of the article would not be to reduce surplus flesh: (Display card) "Makes Dieting A Pleasure Sip away Fat with safety"; (carton) "Sold to reduce ugly Fat Sold to make a supple Figure"; (tin can) "Makes Dieting A Pleasure Now it's a pleasure to diet Don't fight the pangs of hunger—don't suffer from starvation in your diet to control weight. Drink delightful Diet-Aid. It makes dieting a pleasure. Takes the drudgery out of weight control. A cup of delicious Diet-Aid beverage makes you feel as if you had dined heartily. That's what your stomach tells you—but the scales tell you differently. Satisfies the appetite, but eliminates the excess calories. Enables you to pursue a sane diet sanely, comfortably, effectively. Directions Add one teaspoonful of Diet-Aid to a cup of boiling water, hot coffee or tea. Stir well and then sip slowly a spoonful at a time. Don't diet by eliminating meals. Instead, substitute Diet-Aid for breakfast or lunch, or both, and then eat your customary dinner. That's the Diet-Aid method—simple, sane, safe."; (circular) "The Healthful Way to Slender Beauty [picture of a woman] The secret of weight control set forth in this booklet is dedicated to all those unfortunates who are overweight. Thanks to the painstaking and scientific research of Dr. J. E. Stoll, it is now possible for the American Public to reduce weight and maintain a healthy and slim figure by use of a simple dietary method. \* \* \* Dieting can now be a pleasure, and to this new pleasure—the vitalizing energy derived from modern scientific weight control—we dedicate the knowledge contained in the following pages. The Cause of Fat Excess fat is the result of over-eating or under-exercising—or both. Many a wall flower and many an unsightly figure has resulted from over-use of the knife and fork and under-use of legs, arms and body in an insufficient amount of exercise to prevent the flabbiness which leads to fat. Modern habits—the use of the motor car and other 20th Century means of transportation—are fundamental causes for the lack of exercise. Most people won't exercise because they find it distasteful, or because it takes too much time. Furthermore, reducing exercises often cause injuries or discomfort because the inexperienced are too violent in their practice of such exercises. A calorie means the amount of energy that a certain amount of food will produce in our bodies. Eleven calories per day per pound of normal body weight will maintain the body in good health when at rest. Under conditions of heavy work science tells us, only eighteen calories per day per pound of weight are required. As a happy medium for health and the maintenance of a normal amount of weight, let us take fifteen calories as a measuring unit. Here is a simple little chart which shows you the actual number of calories really needed daily: \* \* \* she has allowed herself to become 17 pounds overweight. \* \* \* she must arrange a caloric diet that will count only 1,200 to 1,500 . . . if she is to win the slimness she desires. \* \* \* Up to